19 5/.

File No. P. S. C. 7

Legal Department

C BRANCH

Subject:— Orders and references relating to Public Service Commission

File No. P.S.C. /51

76-C

19 5/. File No. P.S.C./51

Legal Department

C BRANCH

Subject:— Orders and references relating to Public Service Commission.

File No. P.S.C./51

76-C

Communication of the opinion of the Public Service Commission to officers concerned in disciplinary cases.

GOVERNMENT OF BOMBAY.
Legal and Services Department.
Circular Memorandum No.1869/54.
Fort Castle, 8th January 1951.

CIRCULAR MEMORANDUM.

It recently the Bombay Public Service Commission brought to the notice of Government a case in which its opinion in a disciplinary case was not communicated to the officer concerned though it was necessary to do so under rule 6 of the Bombay Public Service Commission (Functions) Rules,1947. The attention of all Departments of the Secretariat (except the Separate Department) is invited to the provisions of rule 6 of the Bombay Public Service Commission (Functions) Rules and they are requested to see that the requirement of that rule is strictly carried out in all cases.

By order of the Governor of Bombay,

Sd/- M.D. Bhat,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To

All Departments of the Secretariat. (except the Separate Department).

Copy forwarded with compliments to the Secretary Bombay Public Service Commission, with reference to his letter to the Revenue Department No.1209, dated the 12th August 1950.

Id/-
12/1/51.

A.A.S. Id/-
12/1.

Secy. Id/-
12/1.

Copy of the Office Memorandum from the Government of India in the Ministry of Home Affairs, No.141/50-DGS, dated the 30th August 1950.

Subject:- Transfer of service records of the displaced Government servants between India and Pakistan --- question of transfer of confidential or character rolls.

The undersigned is directed to refer to this Ministry's Office Memorandum No.30/186/48-DGS (Apptts) Volume VI, dated the 16th January 1950, addressed to all Ministries of the Government of India (with copies endorsed to all State Governments), on the subject mentioned above, and to say that the words 'service records' wherever they appear in the above Office Memorandum should be held to include not only service books but also confidential rolls as on the date of partition, leave accounts and last pay certificates of the displaced Government servants concerned. The expression 'as on the date of partition' in relation to confidential rolls implies that only that portion of the document should be transferred as was relevant on the date of partition ; any entries made after that date should be expunged by scissors or, if this is not possible, scoring out in such a way as to be thoroughly undecipherable. It is important that a uniform practice has to be followed in all such cases and it is again emphasized that no post-partition entry, however harmless it may appear, should be left unexpunged (or merely cancelled casually or merely pasted on). Accordingly, if and when the authorities in Pakistan requisition any of these records, there should be no objection to transferring

records, as explained above through the authorised channel. The Government of Pakistan have also agreed to supply these documents in respect of the persons who have opted for service in or have migrated from Pakistan to India.

For modification pl.see P. & S.D. end. No.4831/46-20775-D, dt. 16/5/51.

No. 4831/46-38619-D.

POLITICAL AND SERVICES DEPARTMENT.

Bombay Castle, 7th November 1950.

Forwarded with Compliments for information and guidance to ---

The Secretary to the Governor,
The Secretary to the Honourable the Chief Minister,
The Prothonotary and Senior Master, High Court, Bombay (by letter)
The Registrar, High Court, Appellate Side, Bombay (by letter)
All other Heads of Departments and Heads of Offices under the several Departments of the Secretariat,
All Departments of the Secretariat.

2. This ~~ix xx~~ has reference to Government endorsement, Political and Services Department, No. 1868/46-14478-D, dated the 30th March 1949.

By order of the Governor of Bombay,

Sd/- A.U. SAADAN.

for Chief Secretary to the Government of Bombay,
Political and Services Department.

Id/-
19/1.

Supdt. Id/-
23/1.

A.S. Id/-
23/1.

Secy. Id/- P.M.L.
23/1.

CONFIDENTIAL.

D.O.No. 2048/34-D
Political and Services Department,
Bombay Castle, 8th February 1951.

My dear Lad,

Recently a Department wrote to the Public Sercie Commission asking it to reconsider the opinion expressed by it in a case of promotion referred to it While declining to reconsider its opinion the Commission enquired of this Department whether the particular reference made to it by the Department had the approval of Government. On enquiry it was found that the file had neither been shown to the Political and Services Department as required by t instruction 6 of the Instructions to regulate the procedure to be followed by the Departments of the Secretariat in their dealings with the Public Service Commission nor had it been submitted to the Honourable Minister concerned and Honourable Chief Minister. This Department and Government were therefore placed in an embarrassing position in answering the enquiry of the Commission. It is essential that such occasions should be avoided. I am therefore to request tht you will be so good as to issue specific instructions to your Department including the officers to see that the instrucions laid down for regulating the procedure to be followed by the Secretariat Departments in their dealings with the Commission are scrupulously followed and the files are shown to the Political and Services Department as required by these instructions whenever a

reference to the Commission is made. They may also be asked to see that all files relating to matters of appointment and conduct of gazetted officers are submitted to the Honourable Minister concerned and the Honourable the Chief Minister before a reference to the Commission is made in such cases.

Yours sincerely,

Sd/- M.D. Bhat.

Shri P.M. Lad, I.C.S.
Secretary to Government,
Legal Department.

MSR.
11/7.

Copy of an Endorsement No. 141/50-DGS, dated the 21st April 1951, from the Government of India, Ministry of Home Affairs.

No. 141/50-DGS.
GOVERNMENT OF INDIA.
MINISTRY OF HOME AFFAIRS.
New Delhi 2, the 21st April 1951.
OFFICE MEMORANDUM.

Subject.- Transfer of service records of displaced Government Servants.

In continuation of this Ministry's office Memorandum of even number, dated the 30th August 1950, addressed to all Ministries of the Government of India (with copies endorsed to all States Governments) on the subject mentioned above, the undersigned is directed to say that the scope of the term "Service records" has been further extended so as to include War servie certificates and discharge certificates in addition to the documents mentioned in the Office Memorandum above and that the Government of Pakistan have agreed to exchange these documents as well. In view of this, requisitions for such records also may be made through the channels already prescribed and whenever requests for such documents from the Government of Pakistan are received, they may be transferred to that Government on a reciprocal basis through the prescribed channels. Full details of the documents required from the Government of Pakistan may be shown in the requisitions for the service records of the displaced Government servants.

C.P.S. MENON,

Under Secretary to the Government of India.

To

All Ministries of the Government of India (including the Ministry of Finance (States and External Affairs), (Revenue), (Defence) and (Communications) Divisions, Finance (Delhi Province) and the Economic Affairs Department) Partition Secretariat; Prime Minister's Secretariat; Department of Parliamentary Affairs; Secretary to the President; Military Secretary to the President and the Directorate General of Resettlement and Employment.

MSR.
12/7.

D&S. New Delhi 2, the 21st April 1951.

Copy forwarded to the Director , Intelligence Bureau, Union Public Service Commission; Inspector General of Police, Special Police Establishment; Principal, Indian Administrative Service Training School; Commandant, Central Police Training College, Mount Abu; Director, Secretariat Training School; Supreme Court of India; Director of Co-ordination (Wireless); Ministry of Home Affairs; Office of the Election Commission and the Planning Commission.

Copy also forwarded to all State Governments (Part "A" "C" and "D" States) for information.

C.P.S. MENON,
Under Secretary to the Government of India.

No. 4881/46-20775-D,
POLITICAL ANS SERCICES DEPARTMENT.
Bombay Castle,
16th May 1951.

Forwarded with compliments for information and guidance of-----

The Secretary to the Governor,

The Secretary to the Honourable the Chief Minister,

*The Prothonotary and Senior Master, High Court, Bombay,

*The Registrar, Appellate Side, High Court, Bombay,

All other Heads of Departments and Heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

2. This is in continuation of Government Endorsement, Political and Services Department, No. 4881/46-38619-D, dated the 7th November 1950.

*By letter.
By order of the Governor of Bombay,

G.Z. VANJARA,

for Chief Secretary to the Government of Bombay,
Political and Services Department.

Selection of Government servants for specialised training.

Consultation with the Public Service Commission in regard to--

GOVERNMENT OF BOMBAY,
Political and Services Department,
Circular No. 7178/46,
Bombay Castle, 12th June 1951.

CIRCULAR OF GOVERNMENT.

It is usual for Government to deputе some of its officers for specialised training in particular subjects either abroad or in India itself. The Bombay Public Service Commission had suggested in this connection some time ago that inasmuch as such specialised training is later made a ground for preference in making appointments by promotion to posts within its purview the selection of officers for training by Government or the Head of Department in preference to their seniors commits it to acquiesce in the supersession of the senior officers without having an opportunity of considering their claims on merits and that the Commission should therefore be associated with the selection of officer for specialised training whenever there is a possibility in filling higher posts at some future date. Government has carefully considered this suggestion and decided tht it should be accepted. All Departments of the Secretariat (except the Separate Department) are therefore requested to consult the Commission whenever any person under their respective administrative control is to be selected for specialised training if the training is likely to become later a ground for his promotion to a higher post in preference to his seniors. It is possible that it

may be difficult to determine definitely at the time a selection is made for deputation of an officer for specialised training whether his training is likely to become later a ground for his promotion in preference to his seniors. The Departments are therefore advised to consult the Commission in all cases of such selection except when they are sure that specialised training for which an officer is selected will not be made a ground for further promotion over the heads of his seniors to a post or service within the purview of the Commission. "The instructions in paragraph 1 above will not apply to cases of deputation for training under the Technical Assistance Schemes where final selection of officers to be deputed rests with the Government of India or with some international or foreign authorities." (Vide P. & S.D. No. 7178/46 dt. 28-10-53. L.D.R.I. No. 26269 dt. 2-11-53.)

All Departments of the Secretariat (except the Separate Department) are requested to issue suitable instructions to the Heads of Departments under their respective control who may have occasion to select or recommend officers for specialised training to ensure that the procedure indicated above is properly observed.

By Order of the Governor of Bombay,
Sd/- M.D. Bhat,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To

All Departments of the Secretariat, (Except the Separate Department.)

Copy forwarded with compliments to the Secretary, Bombay Public Service Commission with reference to his letter to the secretary to Government, Agricultural and Forests Department, No. 186(ii)/(5), dated the 8th March 1950.

MSR.

Legal Deptt.

R.I. No. 12676
16/6/51.

Submitted.

2. The P& & S.D. has advised by this circular to consult the Public Service Commission in all cases of selection of persons for deputation for specialised training in particular subjects either abroad or in India itself except when the Department is sure that specialised training for which an officer is selected will not be made a ground for further promotion over the heads of his seniors to a post or service within the purview of the Commission.

A

3. In this Department officers are sent on deputation to the Govt. of India for legal training only and in such cases the specialised training is not made a ground for further promotion over the heads of the officers seniors to a post within the purview of the Commission. Hence it is not necessary for L.D. to consult the P.S.C. when an officer is sent on deputation to the Govt. of India for legal training and no action is necessary on this circular. File in P.S.C./51.

Id/-
18/6.

S.S. Id/-
19/6.

A.S. No action is necessary for the present.
However the instruction have been noted.

Id/-
25/6.

Addl.
Secy.

Position at 'A' is not definitely correct. It may later be necessary to promote such persons to higher posts in preference to others who have had no such training. Therefore it would perhaps be safer to consult P.S.C. However R.L.A. may decide.

Id/-
25/6.

I agree with Addl. Secy.

Id/-
25/6.

MSR.
12/7.

Promotion to higher posts or Services.
Consultation with the Bombay Public Service Commission with regard to .....

GOVERNMENT OF BOMBAY,
Political and Services Department,
Circular No. 2048/34,
Bombay Castle, 30th August 1951.

CIRCULAR OF GOVERNMENT.

Sometimes an officer who has been appointed by promotion in an officiating capacity to a higher post or service in consultation with the Public Service Commission has to be reverted owing to the absence of a vacancy in the higher post or service. When such an officer is again promoted a fresh reference to the Commission is necessary as a new appointment is involved and it is usual for the Departments to make such reference to the Commission. The Commission has however observed that in such a case a fresh reference to it is likely to be purely formal if the break was of very short duration and if it had not imposed any condition when recomending the officer for promotion. It has accordingly suggested that unconditional recommendation made by it in favour of the promotion of an officer may be deemed to cover his re-appointment to the same post or service within a period of six months from the date of reversion provided that the reversion is reported to it when it occurs and it is certified by the appointing authority at that time that the reversion is due solely to the absence of a vacancy and that it is intended to re-appoint the officer to the post or service concerned as soon as a vacancy becomes

available. Government is pleased to accept the suggestion made by the Commission and to direct that when an officer who has been promoted to a higher post or service with the unconditional approval of the Commission reverts solely for want of a vacancy, the Department concerned should forthwith report the reversion to the Commission with a certificate that the reversion is due soley to the absence of a vacancy and that it is intended to re-appoint the officer to the post or service concerned as soon as a vacancy occurs and should not consult the Commission again for re-appointing the officer to the post or service in question if the re-appointment is within a period of six months from the date of his reversion. Government is also pleased to direct that in case however the officer is re-appointed after a period of six months from the date of his reversion or if the certificate about his reversion on the sole ground of absence of vacancy etc. is not communicated to the Commission at the time of reversion the normal procedure of making a fresh reference to the Commission should be followed.

By order of the Governor of Bombay,
Sd/- M.D. Bhat,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To
All Departments of the Secretariat (except the Separate Department.)

Copy forwarded with compliments for information to :-
The Secretary to the Governor,
The Secretary to the Honourable the Chief Minister,
The Secretary , Bombay Public Service Commission (with Reference to his letter No.8(1), dated the 18th August 1951.)

MSR.

Legal Deptt.:

R.I. No. 18731
10/9/51.

Submitted for information.

It has been decided that when an officer who has been promoted to a higher post or service with the unconditional approval of the Commission reverts solely for want of a vacancy, the Deptt. concerned should forthwith report the revertion to the Commission with a certificate that the revertion is due to solely to the absence of vacancy and that it is intended to reappoint the officer to the post or service concerned as soon as a vacancy occurs and should not consult the Commission again for reappointing the officer to the post or service in question if the reappointment is within a period of six months from the date of his revertion.

File in P.S.C./51.

Id/-
10/9.

Supdt. Id/-
11/9.

As. Id/-
12/9.

Addl. Secy. Id/-
24/9.

MSR.

D.O.No. 2048/54-D,
Political and Services Department,
Bombay Castle, 24th April 1951.

As your are aware Government is very particular that reference to the Public Service Commission in regard to appointment to posts lying within its purview should be made at the proper time and this Department has issued several orders to ensure that the Departments observe this requirement scrupulously. Government however, regrets to notice that despite all its effort cases still continue to occur in which reference to the Commission is delayed and that body has to find fault with the procedure adopted by Government in making appointments. It appears that much of the delay is due to slackness of the supervision exercised by the Secretariat Departments on the Heads of Department -s who have been authorised to make short-term appointments to posts within the Commission's purview and who are generally not quick in reporting to Government the appointments made by them. Government therefore considers that the procedure according to which Heads of Departments are authorised to make appointments to posts within the purview of the Commission, should be tightened up and that the Departments should evince grater vigilence in checking the appointments made by the Heads of Departments in exercise of the powers delegated to them. I am therefore to request that you will kindly take immediate action on the following lines :-

You will please issue instructions to the Heads of Departments under the administrative control of your Department who might have been authorised to

make shor-term appointments to posts within the Commission's purview to report to Government the appointments made by them with full details regarding them as soon as it becomes clear that any particular appointment is likely to exceed the period for which he is authorised to make it. Other Heads of Departments who have not been specifically authorised to make such short term appointments but may make such appointments in emergiencies in anticipation of Government approval may be asked to report to Government the appointments made by them with full details regarding them immediately they are made. I am to request that you will be so good as to issue necessary instructions with the least possible dealy and will also make sure that the officers concerned are carrying out the instructions scrupulously. The Officers may be told that submission of the the requisite reports should be tr-eated as their personal responsibility and that Government will be constrained to take serious notice if there is any omission on their part.

As I have mentioned earlier, it is also necessary that the Secretariat Departments should exercise greater vigilence in checking appointments made without consultation with the Public Service Commission. I am to invite a reference in this connection to the Political and Sercives Department Circular No.2048/34, dated the 13th June 1949 and my demi-official letter No. 2048/34-D, dated the 4th/5th July 1950. It is presumed that your Department is preparing the quarterly statements of appointments made without consultation with the Public Service Commission and that you are checking them personally. You may now instruct your Department to forward to this Department every three months a copy of the statement prepared by them as soon as it is checked by you. The

statement may be forwarded to this Department by the end of the month in which it is prepared.

Yours sincerely,

Sd/- M.D. Bhat.

To

Shri J.R. Dhurandhar,
Secretary to Government,
Legal Department.

MSR.
11/7.

Legal Department.

R.I. No. 8379
26-4-51.

Submitted.

2. Please see the D.O. letter from the Chief Secretary at page 1 ante regarding reference to the P.S.C. in regard to appointment to posts lying within its purview to be made at the proper time.

3. In order to tighten up the procedure according to which Heads of Departments are authorised to make appointments to posts within the purview of the Commission and to evince greater vigilence by the Departments in checking the appointments made by the Heads of Departments in exercising the power delegated to them, it is proposed-

(1) to issue instructions to them to report to Govt. the appointments made by them with full details in respect of which they have been authorised to make short term appointments to posts within the Commission's purview as soon as it becomes clear that any particular appointment is likely to exceed the period for which he is authorised to make;

(2) also in case of appointments made in emergencies in anticipation of Government approval to report regrding them immediately they are made; and

(3) to forward to the P. & S.D. every months a copy of the quarterly statements, of appointments me without consultaion with

the P.S.C., prepared by Departments as soon as it is checked by the Secretaries, by the end of the month in which it is prepared.

4. At present there are no Heads of Departments under the control of this Department except the Charity Commissioner who has so far no occasion to make any appointment to any post within the purview of the Commission. Hence the question of issuing any instruction to the Heads of Department does not arise for the present in L.D.

5. All the posts within the purview of the Commission, in the Reorganization scheme have recently been filled in and necessary reference to the P.S.C. in that respect has already been made for its concurrence and hence the statement in that respct is ~~xxxx~~ blank.

Id/-
30/4.

A.S. (Adm.)

Shri Sarela is appointed as Deputy Secretary to Government, Legal Department, vice Shri Ghogale for a period of two years and as such a reference to P.S.C. is necessary. Necessary steps are being taken separately to consult the P.S.C.

Id/-
1/5.

Addl. Secy. Id/-
1/5.

Secy. (L.D.) Id/-
12/5.

MEB.